

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARIA de LOURDES PARRA MARIN, on behalf of herself and all other persons similarly situated,

Plaintiff,

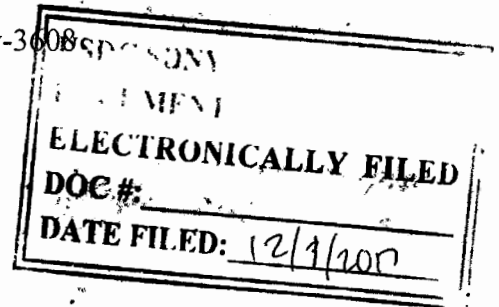
-against-

DAVE & BUSTER'S, INC., and DAVE & BUSTER'S ENTERTAINMENT, INC.,

Defendants.

ORDER DENYING MOTION
FOR PRELIMINARY
APPROVAL OF CLASS
CERTIFICATION AND
SETTLEMENT

15-cv-3608



Plaintiff moved for conditional class certification, and for preliminary approval of class action settlement. Oral argument was held on November 30, 2017, and, for the reasons stated on the record, Plaintiff's motion is denied.


Plaintiff's complaint alleges a FRCP 23(b)(2) class, and prays for reinstatement and other equitable relief. I deny Plaintiff's proposed settlement, which, inconsistent with its complaint, seeks to certify a FRCP 23(b)(3) class and resolve this case through monetary compensation. Plaintiff, furthermore, has not provided damages calculations or other evidence to sufficiently show that the settlement is fair and reasonable.

The Clerk shall terminate Motion to Approve Preliminary Approval of Class (Dk. No. 56).

SO ORDERED.

Dated:

Nov 30, 2017
New York, New York


ALVIN K. HELLERSTEIN
United States District Judge